

REMARKS

Claims 1, 3, 5, 6, 7, 9, 11, and 12 are pending and under consideration. Claims 1, 6, 7, and 12 have been amended. Support for the amendments to the claims may be found in claims 2 and 4 as filed originally. Claims 2, 4, 8, and 10 have been canceled without prejudice or disclaimer.

Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

Claim Rejections - 35 U.S.C. § 112:

Claims 6 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 6 and 12 were amended to make them more definite. In particular, the recitation "pieces of" has been deleted. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 1, 3, 5, 6, 7, and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 7,130,263 to Ong et al. (hereinafter "Ong"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The final clauses of claims 1 and 7 have been amended to include the subject matter of former claims 2 and 4, and 8 and 10, respectively. The final clauses of claims 1 and 7 now recite:

Adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus.

The Office Action acknowledges graciously in section 10, at page 5, that Ong is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus," as recited in claims 1 and 7.

Claims 1 and 7 are submitted to be allowable. Withdrawal of the rejection of claims 1 and 7 is earnestly solicited.

Claims 3, 5, 6, and 9 depend from claim 1 or claim 7 and add further distinguishing elements. Claims 3, 5, 6, and 9 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3, 5, 6, and 9 is also earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 5, 6, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong in view of U.S. Patent Application Publication No. 2004/0190461 to Gullicksen et al. (hereinafter "Gullicksen"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 5 and 6, and claims 11 and 12, depend from claim 1 or claim 7, respectively, and had further distinguishing elements. Ong is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus," as discussed above with respect to the rejection of claims 1 and 7.

The Office Action acknowledges this deficiency of Ong with respect to claim 1 in section 10, at page 5, and attempts to compensate for the deficiency by combining Ong with Gullicksen. Gullicksen, however, is not "adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus" either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7 in any case.

The Office Action asserts in section 10, at page 5, that:

However, Gullicksen teaches a sending part adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus (page 4-5, paragraphs 46-47).

This is submitted to be incorrect. The CSDP Configuration message of Gullicksen contains no "concatenation setting information corresponding to the concatenation setting" as recited in claims 1 and 7. The CSDP Configuration message of Gullicksen, rather, contains

topology information that is used by the nodes to update their topology table 470. In particular, as described at paragraph [0046]:

As each node receives the CSDP Config message, which was transmitted by the originating node, the other nodes can update their topology table 470 with the topology information contained within the received CSDP Config message.

Since the CSDP Configuration message of Gullicksen contains topology information, Gullicksen is not “adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus” either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

The CSDP Configuration message of Gullicksen, moreover, includes a message ID, a sequence number, a ring ID, a node ID, an east lines value, a west lines value, an east line info field and a west line info field. In particular, as described at paragraph [0047]:

In one embodiment, the CSDP Config message includes a message ID, a sequence number, a ring ID, a node ID, an east lines value, a west lines value, an east line info field and a west line info field.

Since the CSDP Configuration message of Gullicksen includes a message ID, a sequence number, a ring ID, a node ID, an east lines value, a west lines value, an east line info field and a west line info field, Gullicksen is not “adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus” either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

The CSDP modules 415 of Gullicksen, moreover, generate a topology table 470 of the topology of the ring by receiving this information from each node on a ring. In particular, as described at further paragraph [0047]:

By receiving this information from each node on a ring, the CSDP modules 415 of a specific node can generate a topology table 470 of the topology of the ring.

Since the CSDP modules 415 of Gullicksen generate a topology table 470 of the topology of the ring by receiving this information from each node on a ring, Gullicksen is not “adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting

information with the respective identifier to another transmission apparatus” either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

The CSDP Configuration message of Gullicksen, moreover, includes information such as the ring (e.g., VLSR1) to which node 1310 is being added, an identifier (e.g., SW1) representing a logical ring node representation for node 1310, the number of working lines for the east span and west span lines of the node 1310 and information, including line identifiers and the number of line timeslots for the east span and west span lines. In particular, as described at paragraph [0048]:

As previously discussed, the CSDP Config message includes information such as the ring (e.g., VLSR1) to which node 1310 is being added, an identifier (e.g., SW1) representing a logical ring node representation for node 1310, the number of working lines for the east span and west span lines of the node 1310 and information, including line identifiers and the number of line timeslots for the east span and west span lines.

Since the CSDP Configuration message of Gullicksen includes information such as the ring (e.g., VLSR1) to which node 1310 is being added, an identifier (e.g., SW1) representing a logical ring node representation for node 1310, the number of working lines for the east span and west span lines of the node 1310 and information, including line identifiers and the number of line timeslots for the east span and west span lines, Gullicksen is not “adding the respective identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus” either, and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7.

The data contained within the connections table 465 and the topology table 470 of Gullicksen, finally, can be accessed by any module within the switch 410 in order to perform operations in configuring the node. In particular, as described at paragraph [0048]:

The topology table 470 includes topology information for each ring in a network. The data contained within the connections table 465 and the topology table 470 can be accessed by any module within the switch 410 in order to perform operations in configuring the node as well as to determining additional relationships as to the various nodes within the ring.

Since data contained within the connections table 465 and the topology table 470 of Gullicksen can be accessed by any module within the switch 410 in order to perform operations in configuring the node, Gullicksen has no need for “adding the respective identifier of the

transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the respective identifier to another transmission apparatus,” and thus cannot make up for the deficiencies of Ong with respect to either claim 1 or claim 7. Thus, even if Ong and Gullicksen were combined as proposed in the Office Action, none of claims 5, 6, 11, and 12, let alone claim 1 or 7, would result.

The Office Action, in any case, asserts in the third full paragraph at page 4 that:

In view of this, it would have been obvious to one skilled in the art to modify Ong's system with Gullicksen's teaching of adding the identifier to concatenation setting information and sending this information, for the purpose of notifying other apparatuses of the updated information.

Ong, to the contrary, teaches away from adding the identifier to concatenation setting information and sending this information, for the purpose of notifying other apparatuses of the updated information, because Ong notes that such distributed schemes, in which the nodes of the ring intercommunicate, are not robust in that they do not take into account span failures and how to handle partially built rings. In particular, as described at column 4, lines 27-33:

In contrast to the centralized scheme, in a distributed scheme, the nodes of the ring intercommunicate to generate and distribute the ring map and squelch tables. While techniques for distributively generating a ring map and a squelch table for a ring are known, these techniques are not robust in that they do not take into account span failures and how to handle partially built rings.

It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would not have been motivated to modify Ong as proposed in the Office Action, since Ong warns that such distributed schemes are not robust. Claims 5, 6, 11, and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5, 6, 11, and 12 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1, 3, 5, 6, 7, 9, 11, and 12 are allowable over the cited references. Allowance of all claims 1, 3, 5, 6, 7, 9, 11, and 12 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge

Application Serial No. 10/788,487
Amendment filed August 28, 2008
Reply to Office Action mailed May 28, 2008

the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 28, 2008

By: /Thomas E. McKiernan/
Thomas E. McKiernan
Registration No. 37,889

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501